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Attorneys for Plaintiff
BARBARA L. MCNALLY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BARBARA L. MCNALLY,

Plaintiff,

v.

ETHAN ALLEN RETAIL, INC., a
Corporation, ETHAN ALLEN GLOBAL,
INC., a Corporation, and DOES 1-20,
inclusive,

Defendants.

Case No. CV 121677 JSW

AMENDED STIPULATION AND
~~PROPOSED~~ ORDER CONTINUING
INITIAL CASE MANAGEMENT
CONFERENCE AND RELATED
DEADLINES

Action Filed: February 3, 2012
Trial Date: None

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Barbara L. McNally (“Plaintiff”) and her attorneys of record, Talamantes Villegas Carrera, LLP, by Jennifer A. Reisch, and Defendants Ethan Allen Retail, Inc. and Ethan Allen Global, Inc. (“Defendants”), by its attorneys of record, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., by Becki D. Graham, (collectively, “the Parties”) that the following Stipulation may be entered as an Order by the Court to give effect to the stipulations set forth below:

1. **WHEREAS**, Defendants removed this action to the Northern District of California on April 4, 2012;

2. **WHEREAS**, the Court issued an Order Setting Initial Case Management Conference and ADR Deadlines, setting the Case Management Conference for July 20, 2012 at 1:30 p.m. in Courtroom 11;

3. **WHEREAS**, on July 2, 2012, Defendant’s counsel’s assistant inadvertently e-filed a *draft* Stipulation and [Proposed] Order Continuing Initial Case Management Conference and Related Deadlines, which requested the Court continue the Initial Case Management Conference to September 7, 2012, a date to which Plaintiff had not agreed;

4. **WHEREAS**, the Court thereafter signed the order attached to the *draft* Stipulation on July 5, 2012, effectively continuing the Initial Case Management Conference to September 7, 2012;

5. **WHEREAS**, Plaintiff’s counsel is unavailable to appear for a Case Management Conference on September 7, 2012;

6. **WHEREAS**, the Parties had previously agreed to requesting a continuance to September 14, 2012;

7. **WHEREAS**, counsel for the Parties have met and conferred regarding early settlement and ADR process selection pursuant to FRCP 26(f) and ADR Local Rule 3-5.

8. **WHEREAS**, the Parties have filed their ADR Certifications pursuant to Civil Local Rule 16-8(b) and ADR Local Rule 3-5(b);

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9. **WHEREAS**, the Parties have agreed to participate in an early settlement conference before a magistrate judge and have filed a Notice of Need for ADR Phone Conference for the purpose of scheduling an early settlement conference pursuant to Civil Local Rule 16-8 and ADR Local Rule 3-5(b) and (c);

10. **WHEREAS**, the original stipulation was an inadvertently filed *draft*, and the Parties have agreed to participate in an early settlement conference in the hopes of resolving the matter without the need for further litigation, good cause exists to continue the initial case management conference to September 14, 2012, or a date thereafter which is convenient for the Court; and

11. **WHEREAS**, the Parties agree that, due to the Parties' efforts to explore settlement of this case, good cause exists to continue certain deadlines triggered by the date of the initial case management conference, as follows:

a. If the case management conference is rescheduled to September 14, 2012, the following case management schedule shall apply:

i. Last day to meet and confer regarding discovery plan shall be moved to August 31, 2012 (pursuant to FRCP 26(f) and ADR Local Rule 3-5).

ii. Last day to file Rule 26(f) Report and file Case Management Statement per the Court's Standing Order re Contents of Joint Case Management Statement shall be moved to September 7, 2012.

iii. Last day to complete initial disclosures shall be two weeks prior to the date set for the early settlement conference.

b. If the case management conference is rescheduled to a different date which is convenient for the Court, all related deadlines will be continued in accordance with the Federal Rules of Civil Procedure and Local Rules for the U.S. District Court Northern District of California.

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1 **NOW, THEREFORE**, the Parties, through their respective counsel of record, **AGREE**
2 **AND HEREBY STIPULATE** to an Order continuing the initial case management conference
3 from September 7, 2012, to September 14, 2012, or any date thereafter convenient for the Court.

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5 DATED: July 12, 2012

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

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8 By: /s/ Becki D. Graham
Betsy Johnson
Becki D. Graham
Attorneys for Defendants
9 ETHAN ALLEN RETAIL, INC. and
10 ETHAN ALLEN GLOBAL, INC.
11

12 DATED: July 12, 2012

TALAMANTES VILLEGAS CARRERA, LLP

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15 By: /s/ Jennifer A. Reisch
Virginia R. Villegas
Jennifer A. Reisch
Attorneys for Plaintiff
16 BARBARA L. MCNALLY
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18 **ATTESTATION PER GENERAL ORDER NO. 45 SECTION X.B.**

19 I hereby attest that I have obtained concurrence in the filing of this document from each of
20 the signatories listed above.

21 DATED: July 12, 2012

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

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23
24 By: /s/ Becki D. Graham
Betsy Johnson
Becki D. Graham
Attorneys for Defendants
25 ETHAN ALLEN RETAIL, INC. and
26 ETHAN ALLEN GLOBAL, INC.
27
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ORDER

GOOD CAUSE APPEARING THEREFORE, IT IS HEREBY ORDERED that the initial case management conference is continued from September 7, 2012, to September 14, 2012, at 1:30 p.m. All deadlines triggered by the date of the case management conference shall be continued as set forth in the Parties' stipulation, in accordance with the Federal Rules of Civil Procedure and Local Rules for the U.S. District Court Northern District of California.

The Parties shall file a joint case management conference statement on or before September 7, 2012.

IT IS SO ORDERED.

DATED: July 16, 2012

By: _____


Honorable Jeffrey S. White
UNITED STATES DISTRICT COURT JUDGE

12751387.1 (OGLETREE)